

1 PILLSBURY WINTHROP SHAW PITTMAN LLP
2 SARAH G. FLANAGAN #70845
2 WESLEY M. SPOWHN #252939
50 Fremont Street
3 Post Office Box 7880
San Francisco, CA 94120-7880
4 Telephone: (415) 983-1000
Facsimile: (415) 982-1200
5 sarah.flanagan@pillsburylaw.com
wesley.spowhn@pillsburylaw.com
6
7 Attorneys for Defendant
STANFORD UNIVERSITY

** E-filed on October 24, 2011 **

8 FANG-YUH HSIEH
9 1394 University Avenue
Palo Alto, CA 94301
10 (650) 462-1628

11 Plaintiff – Pro Se

12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN JOSE DIVISION

16 FANG-YUH HSIEH,) Case No. C10-05629 HRL
17 Plaintiff,)
18 vs.) STIPULATION AND PROPOSED
19 STANFORD UNIVERSITY; and PHILIP) ORDER OF DEFENDANT STANFORD
20 LAVORI, in his individual capacity,) UNIVERSITY AND PLAINTIFF
21 Defendants.) FANG-YUH HSIEH EXTENDING
22) TIME FOR FILING OF OPPOSITION
23) AND REPLY PAPERS RE
24) STANFORD'S MOTION FOR
25) SUMMARY JUDGMENT
26) Local Rule 6-2(a)
27)
28) Hearing Date: December 6, 2011
29) Hearing Time: 10:00 a.m.
30) Location: 280 South First St.
31) Courtroom 2, 5th Fl.
32) San Jose, CA
33)
34) Magistrate Judge Howard R. Lloyd
35)
36)

28 **Stipulation and Proposed Order Extending
Time for Opposition and Reply Papers
Re Summary Judgment**

1 Defendant Stanford University (“Stanford”) and Plaintiff Fang-Yuh Hsieh (“Hsieh”)
2 submit this stipulation and ask the Court to enter an Order adopting and confirming this
3 agreement.

4 Plaintiff Hsieh represents to the Court as follows:

5 (1) Stanford on October 11, 2011 filed its Motion for Summary Judgment,
6 calendared for hearing by the Court on December 6, 2011. Under Local Rule 7-3 as in
7 effect until September 8, 2011, Hsieh’s Opposition papers would have been due 21 days
8 before the hearing date, i.e. on November 15, 2011, and Stanford’s Reply papers would
9 have been due 14 days before the hearing date, i.e. on November 22, 2011. However, the
10 current Local Rule 7-3, as amended on September 8, 2011, measures the time going
11 forward from the filing of the Motion, not backward from the hearing date, so that Hsieh’s
12 Opposition is in fact due 14 days after Stanford filed its Motion, i.e. on October 25, 2011,
13 and Stanford’s Reply is due 7 days later, i.e. on November 1, 2011.

14 (2) Hsieh will continue to represent himself pro se. However, Hsieh wanted an
15 attorney’s assistance, on an informal consultant basis, in preparing his Opposition. He
16 asked an attorney in San Francisco to assist him, and that attorney agreed. When the
17 attorney agreed, he was under the impression that the prior version of Local Rule 7-3 was
18 still in effect, so that he thought Hsieh had until November 15, 2011 to file his Opposition.
19 However, upon examining the matter this week, the attorney determined that the new Rule
20 imposed a time deadline that is simply not workable under that attorney’s schedule.

21 (3) Stanford is courteously willing to accommodate Hsieh, as well as the
22 attorney whom he is consulting, by extending by ten days Hsieh’s time to file his
23 Opposition. Therefore, Hsieh’s Opposition will be due on November 4, 2011. Stanford’s
24 Reply will be due on November 11, 2011.

25 (4) There have been no prior time modifications of any kind in this case,
26 whether by stipulation or by Court order.

27

1 (5) The requested time extensions will have no effect on the schedule for this
2 case, given that the December 6 hearing date for Stanford's Summary Judgment Motion
3 will not change.

4 Dated: October 19, 2011.

5

By:-

J. Hsieh

7

Fang-Yuh (Frank) Hsieh, *pro per*

8 Stanford, by and through its counsel, hereby stipulates to the modified schedule proposed in
9 paragraph 3, *supra*.

10 Dated: October 19, 2011

PILLSBURY WINTHROP SHAW PITTMAN LLP
SARAH G. FLANAGAN
WESLEY M. SPOWHN
50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880

14

15

By: /s/ Wesley M. Spowhn

**Wesley M. Spowhn
Attorneys for Defendant STANFORD UNIVERSITY**

17

18

19

20

PURSUANT TO STIPULATION, IT IS SO ORDERED.

21

22

23

DATED: October 24, 2011

24

25

26

21

**28 Stipulation and Proposed Order Extending
Time for Opposition and Reply Papers
Re Summary Judgment**


HOWARD R. LLOYD
United States Magistrate Judge

1 Docket No. C10-05629 HRL

2 PROOF OF SERVICE BY MAIL

3 I, Wesley Spowhn, the undersigned, hereby declare as follows:

4 1. I am over the age of 18 years and am not a party to the within cause. I am
5 employed by Pillsbury Winthrop Shaw Pittman LLP in the City of San Francisco,
6 California.

7 2. My business address is 50 Fremont Street, San Francisco, CA 94105-2228.

8 My mailing address is 50 Fremont Street, P. O. Box 7880, San Francisco, CA 94120-7880.

9 3. On October 19, 2011, I served a true copy of the attached document titled
10 exactly

- 11 • STIPULATION AND PROPOSED ORDER OF DEFENDANT STANFORD
12 UNIVERSITY AND PLAINTIFF FANG-YUH HSIEH EXTENDING TIME FOR
13 FILING OF OPPOSITION AND REPLY PAPERS RE STANFORD'S MOTION
FOR SUMMARY JUDGMENT

14 by placing it in an addressed sealed envelope and depositing it with the United States Postal
15 Service for delivery to the following:

16 **Fang-Yuh Hsieh**
17 **1394 University Avenue**
Palo Alto, CA 94301

18 I declare under penalty of perjury that the foregoing is true and correct. Executed
19 this 19th day of October, 2011, at San Francisco, California.

20
21 /s/ Wesley M. Spowhn

22 Wesley M. Spowhn

23

24

25

26

27

28

1 C10-05629 HRL Notice will be electronically mailed to:

4 Notice will be provided by mail to:

Fang-Yuh Hsieh
1394 University Avenue
Palo Alto, CA 94301

8 | Counsel are responsible for distributing copies of this document to co-counsel who have not registered for e-filing under the court's CM/ECF program.